

**13 CV 2613**

United States District Court  
For The Southern District Of New York

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*Nigel* Nicholas Douglas,

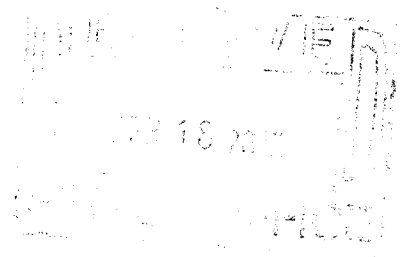
Plaintiff,

Civil Action No. \_\_\_\_\_

V

Complaint And Demand  
for Jury Trial

Abrams Children Books,  
Defendant.



Introduction

1. This is a replevin action to recover possession or value of illustrated, 34 pages Children manuscript titled 'Fosco's World', submitted by plaintiff, *Nigel Nicholas Douglas*, # 25833-083, Federal Correctional Complex, Po Box 3900, Adelanto, Ca 92301, to defendant, Abrams Children Books publisher, 115 W 18 street, New York, NY 10011, that is currently being unlawfully withheld from plaintiff's rightful possession, plus damages for and associated with its continued detention. The value of the property claimed by plaintiff is estimated worth \$4,500,000.

## Jurisdiction

2. This action is brought pursuant to 28 USC 1331, 1332 (a) and 28 USC 1338 (a), in conjunction with 17 USC 102, 103 and 106, the Fourth Amendment to the United States Constitution, and applicable laws of the State of New York. pursuant to 28 USC 1391 (c)

## Venue

3. Venue is laid with the United States District Court for the Southern District of New York where the defendant's place of business, where plaintiff Children manuscript was submitted and is currently being illegally detained and misappropriated for defendant's private use and personal gain at 115 W 18 Street, New York, NY 10011.

4. Plaintiff hereby demand a jury trial on each claim of wrongful and illegal conduct as pled herein.

5. At all times relevant herein, plaintiff is a resident of the State of California. His current address is Federal Correctional Complex, PO Box 3900, Adelanto, Ca 92301.

6. At all times relevant herein, defendant Abrams Children Books is a publisher of Children books in the State of New York, and Subject to the Constitution of the United States, and laws of the State of New York.

## Factual Background

7. On 10-31-11, plaintiff submitted with S.A.S.E, a 34 pages illustrated Children manuscript titled "Fasu's world" to the defendant for publication Consideration.

8. On 2-8-12, plaintiff send defendant a query letter on the status of the publication status.

9. On 11-19-12, plaintiff sent defendant a formal demand letter asking for the return of his property. Plaintiff told defendant that if his manuscript had been lost or misplaced, he would settle out of Court for the sum of \$100,000. IF plaintiff did not hear from defendant in 30 days, he would promptly take defendant to Court to recover his property.

10. On 12-14-12, plaintiff received defendant's response to his formal demand letter acknowledging reception of his manuscript that defendant did not accept for publishing, but refused to return the manuscript as requested.

## Count One

11. Defendant's refusal to return plaintiff's property interfered with future beneficial and rightful Commercial relationship with his intellectual Creation.

## Count Two

12. Defendant's deliberately and intentionally refused to

return plaintiffs valuable property constituted unjust enrichment.

### Count Three

13. Defendant's deliberate and intentional refusal to return plaintiff manuscript after it had been rejected for publishing, was a breach of fiduciary duty to return the property.

### Count Four

14. Defendant's refusal to return plaintiffs intellectual property was tortious interference with his lawful ownership of his creation.

### Count Five

15. Defendant's intentional refusal to return plaintiffs submitted manuscript was a breach of implied duty of good faith and fair dealing to return his valuable property after it had been rejected.

### Count Six

16. Defendant's deliberate refusal to return plaintiffs intellectual creation affected his equitable claim

For monetary benefits of his property.

Count Seven

17. Defendants intentional refusal to return plaintiffs submitted manuscript was intentional misappropriation and unlawful seizure of intellectual property under the Fourth Amendment to the Constitution.

Count Eight

18. Defendant's deliberate and intentional refusal to return plaintiffs intellectual creation which represented a substantial investment impact on his future, inflicted emotional pain and mental distress on plaintiff.

Count Nine

19. Defendant's deliberate and intentional refusal to return plaintiffs valuable property, defrauded him of continued association of his private property.

Count Ten


20. Defendants deliberate and intentional refusal to return plaintiffs valuable property was tortious interference with any and all anticipatory benefits or rewards

associated with 'Fasul's World',

### Conclusion

21. Wherefore, by reasons of the foregoing, plaintiff request the following relief from defendant;
- (a) \$ 4,500,000, Compensation for illegally seized and misappropriated manuscript;
  - (b) defendant pay all fees and related cost associated with this action,
  - (c) \$ 60,000 for wrongful detention of plaintiff's intellectual property
  - (d) \$ 50,000, for infliction of emotional pain and mental distress,
  - (e) \$ 50,000, punitive damages
  - (f) and any and all such other and further relief as appears reasonable and just.

Signature:


  
Nigel Nicholas Douglas

Date: 4-10-13

## Certificate Of Service

I, Nigel Nicholas Douglas, the plaintiff herein, do hereby Certify that I have this day placed a true copy of this pleading in the United States mail for service to the last known address of the defendant,

Abrams Children Books  
115 W 18 Street  
New York, NY 10011

signature:   
Nigel Nicholas Douglas

Date: 4-11-13